

Article - Education

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§8–410.

(a) Each local school system shall provide or arrange for the transportation during the regular school year of each child with a disability who is in a placement approved in conformity with this subtitle and applicable regulations of the State Board and standards in:

- (1) A public school;
- (2) A school maintained by a State agency; and
- (3) A nonpublic school.

(b) (1) Except as provided in paragraph (2) of this subsection, the local school system of the county in which the child with a disability resides shall certify and pay the cost of his daily or other reasonable transportation to school under the rules and regulations adopted by the State Board if:

(i) The school is outside this State or the county in which the child resides; and

(ii) State aid has provided for the education of the child under this subtitle.

(2) If a local management board, as established under Title 8, Subtitle 3 of the Human Services Article, funds the placement of a child in a school that is outside the State or the county in which the child resides without consulting the local school system, the local management board shall certify and pay the cost of the student's daily or other reasonable transportation to school.

(c) (1) The rules and regulations adopted by the State Board shall take into consideration any hardship cases that reasonably may require additional expenses to guarantee adequate transportation during the regular school year.

(2) In addition to providing advice to the Motor Vehicle Administration under § 25-110 of the Transportation Article regarding the adoption by the Administration of rules and regulations relating to the safe operation of school vehicles, including vehicles and equipment appropriate for transporting a child with a disability, the Department shall adopt guidelines which set minimum standards to meet in each of the following categories:

(i) The qualifications for hiring and training of drivers and aides, including private contract personnel, involved in handling and transporting a child with a disability to a nonpublic special education facility; and

(ii) The appropriate length of time and distance for transporting a child with a disability to a nonpublic special education facility.

(d) (1) By July 1 of each year any local school system that has 25 or more children with disabilities attending nonpublic education facilities shall submit to the State Department a detailed report, including any rules and regulations it has adopted since the submission of its last report, which outline the local school system's compliance with the State Department adopted guidelines for the transportation of a child with a disability to nonpublic special education facilities.

(2) The State Department shall annually:

(i) Review each applicable local school system's plan or procedures for transporting children with disabilities to nonpublic special education facilities for compliance with the State Department's guidelines; and

(ii) Advise a local school system as to whether its plan or procedures are in compliance.

(e) In both the adoption of guidelines under subsection (c)(2) of this section and the annual review under subsection (d) of this section of each applicable county's plan or procedures for transporting children with disabilities to nonpublic special education facilities, the State Department shall:

(1) Take into consideration the particular circumstances and needs of each applicable local school system, including the differences among urban and rural school systems; and

(2) Recognize the need for flexibility on an individual child basis.

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